



# PERMIT APPLICATION FOR OUTDOOR DISPLAY OF MERCHANDISE

## Old Town Winchester Primary & Secondary District

Permit # \_\_\_\_\_

Date of Application: \_\_\_\_\_

### Applicant Information:

Name: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Address: \_\_\_\_\_

Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

Home phone: \_\_\_\_\_

### Definition:

**Display of Merchandise** is limited to an outdoor decorative display (3-D) of a limited quantity of merchandise in front of the business listed as the applicant. Permit allows display to be set-up on a regular basis, weather permitting. The outdoor display of merchandise is intended to enhance the commercial activity of a business while not creating a public health, safety or nuisance situation.

**NOTE: A Sidewalk Sale** is defined as a liquidation of merchandise, inventory or goods which are regularly sold as part of the retail business. Retail businesses located in the primary or secondary district may only conduct a sidewalk sale by participating in a sales event coordinated by the OTDB Promotion Committee.

### Display Structure: (attach additional sheet if necessary)

1. Type of structure:

☐ Table/Furniture

☐ Props

☐ Cart/Bookcase

☐ Other: \_\_\_\_\_

2. Size of entire structure (length, width & height of structure used): \_\_\_\_\_

3. Describe the materials that comprise the structure (wood cart, metal cart, metal rack, wood table, etc.): \_\_\_\_\_

4. Color of structure or covering: \_\_\_\_\_

5. Planned items for display: \_\_\_\_\_

6. What is expected frequency of displays: \_\_\_\_\_

7. Identify location of display in proximity to storefront (include sketch with application): \_\_\_\_\_

**Note:** In addition to this permit, each business is responsible for complying with all applicable city and state ordinances, statutes and regulations.

Signature of Applicant: \_\_\_\_\_

Signing this application verifies that you have read and understand the guidelines and regulations.

### Date received:

**OTDB Approval:** Yes No

**Fee:** Yes No

**BAR Approval:** Yes No N/A

**Permit Approved:** Yes No

Return application & attachments to:

Old Town Development Board  
2 North Cameron Street, Suite 100  
Winchester, VA 22601

**For more information:** 540-722-7576

**Email:** wincmaintst@ci.winchester.va.us



# PERMIT APPLICATION FOR OUTDOOR DISPLAY OF MERCHANDISE

## Old Town Winchester Primary & Secondary District

### Hold Harmless Agreement

\_\_\_\_\_ (Legal name of business, exactly as it appears on Certificate of Insurance.), shall defend and hold harmless the City, its officers, employees, agents and representatives thereof, harmless from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages, or violation of rights sustained by any person or property in consequence of any neglect on behalf of \_\_\_\_\_ (Legal name of business.), while their personal property is situate on City property.

\_\_\_\_\_ (Legal name of business) shall further hold the City harmless from any claims or amounts arising from violation of any law, bylaw, ordinance, regulation or decree.

**Legal name of business:**  
(as it appears above)

**By (signature):**

**Name (printed):**

**Title:**

**Address:**

**Signature:**

**Date:**



# STANDARDS & REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE

## Old Town Winchester Primary & Secondary District

### Design

The publicly owned parts of Winchester's Historic District are as important as the private structures in helping define the unique character of the area. The pedestrian oriented focal point of the district is the Loudoun Street Mall with its outdoor cafes, small shops and historically styled light fixtures, banners, flowers and pavers. The Mall makes for a pleasant and rich walking experience. The character, charm, and appeal of the district are greatly influenced by the quality of the streetscape features. Please assist with the professional and upscale look of Old Town by compliance with the guidelines for outdoor displays of merchandise. Your displays speak to the community about the quality of your business.

The Old Town Development Board will make every effort to assist businesses in displaying merchandise that are appropriately designed and maintained in such a fashion as to be complementary to the overall appearance of Old Town.

### Purpose of Outdoor Displays

1. To attract customers into retail, repair, or service businesses, not to sell the item(s) on display.
2. To encourage pedestrian traffic and to further create a pedestrian-friendly atmosphere by using public spaces.
3. To optimize the growth and income of retail businesses by allowing and encouraging the use of portions of the public-right-of-way between the center of the Mall and/or curb to the adjacent property line.

### Guidelines

1. The guidelines and regulations are adopted as a pilot program for a period of 18 months, beginning January 2006; to allow for a period of time for the City, OTDB and merchants to evaluate its overall effectiveness and impact on the entire Old Town district. At the end of the 18 month period, the OTDB will review and make recommendations for a permanent set of guidelines and regulations.
2. An application for permission to use the sidewalk must be submitted and approved. Fee is submitted with application.
3. Participating merchants shall receive a free training consultation to learn how to comply with the regulations.
4. Display shall incorporate or be representative of merchandise items that are regularly sold as part of the business.
5. Businesses shall have evidence of one million dollars of liability insurance naming the City as additional insured. The business shall maintain the policy continuously.
6. A scaled drawing of the location and size of the proposed display must be submitted with the application. The drawing shall indicate the curb and property lines, all existing and proposed obstructions (fire hydrants, tree wells, lamp posts, and public egress). Businesses located at a corner property shall include both street frontages in their scaled drawing. Plus, applicant shall provide a photograph of proposed items for display.
7. The application will not be transferable.
8. Use of the sidewalk that does not comply with the provisions of the permit will not be allowed.
9. Changes to the plan shall be submitted for approval.



# STANDARDS & REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE

**2005**

**Old Town Winchester Primary & Secondary District**

## Allowable Display Areas

1. The permitted display should be placed in the public right of way for a distance no more than 4'-0" from the property line. The actual allowable depth of the exhibit area from property line may be less due to other restrictions. Maximum length of display may be less due to clear path of travel and accessibility to streetscape items such as tree wells (primary district) or curb (secondary district).
2. Displays may not extend past the length of the storefront.
3. Only those businesses on the first floor fronting the sidewalk may display items.
4. Only approved items may be displayed.
5. Only approved quantities may be displayed.

## Permissible Merchandise

The following items may be displayed, provided the business abides with allowable display areas, requirements, and maximum allowed quantities. The merchandise shall be free of graffiti and constitute no hazard to pedestrian traffic.

1. Furniture: patio furniture, wooden and metal furniture (excluding mattresses and sofas).
2. Books and magazines.
3. Produce, baked goods, and food in glass containers.
4. Cut or live flowers and plants.
5. Clothing and accessories (displayed on mannequins or props).
6. Hand crafted products and goods.
7. Art work, including paintings, photography, sculpture, frames, and pottery.
8. Sports equipment.
9. Bicycles.
10. Musical instruments.
11. Luggage.
12. Rugs.
13. Pet accessories.
14. Other merchandise similar in character, type or nature to the merchandise listed above with written approval from the OTDB.

## Maximum Quantities

Business may display one or two of the following five types of merchandise:

1. Furniture, limited to one item for every five linear feet of storefront. (Example: a store with a gross storefront length of 25 feet may display up to a maximum of five items.)
2. Book and magazine racks, limited to one rack per every storefront length of 25 feet or portion thereof.
3. Hand-crafted products and goods, artwork, and/or pottery, limited to two items for every five feet of storefront. (Example: a store with 25 feet of storefront may display up to a maximum of ten items.)
4. Food products, limited to one linear foot of display space for every five feet of storefront. (Example: a store with 25 feet of storefront may display food products along a maximum of five linear feet.)
5. Dress apparel (clothing, accessories, and shoes as allowed), limited to six pieces.



# STANDARDS & REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE

**2005**

**Old Town Winchester Primary & Secondary District**

## Display Requirements

1. All items publicly displayed shall be in good condition, not require repair, and not be wrapped in plastic or other wrapping materials (except baked goods).
2. Display shall incorporate or be representative of merchandise items that are regularly sold as part of the business.
3. Items shall be displayed appropriately (preferably on three-dimensional props) that coordinate with the store façade. Cardboard boxes and folding tables are not permitted as display racks.
4. Clothing shall be hung only on mannequins or props, except that clothing may be displayed on hangers on the door(s) of the business.
5. Books and magazines shall be displayed on racks 3'-0" to 4'-0" in height. Books shall be displayed to allow the title and author of each book to be seen. Each rack shall be no more than 6'-0" in length. Racks shall be in good condition and not require repair.
6. All items and displays shall be safe and stable with no risk of overturning due to wind or contact. Props and items of display shall not project into the clear path of travel; corners shall be rounded. Businesses shall remove displays when weather conditions create a potentially hazardous condition.
7. All items (such as racks, mannequins, props, furniture and other display items) shall extend to within 2 inches of the ground and in some manner be physically and visually detectable in an easy manner by the visually impaired.
8. All displays must comply with applicable ADA standards.
9. No umbrellas, canopies or tents are allowed.
10. The position of display placement must be such that it will not obstruct the fire lane or store entrance.
11. Price tags/advertisements are not permitted.

## Regulations

1. Annual permit fee of \$25.00. Permit is valid for one year and must be renewed annually.
2. The permit will not be transferable. The business owner shall cease to display immediately upon ceasing to do business of the type as described on this application. A new owner of the same business must apply for a new permit.
3. A scaled drawing of the location and size of the proposed display must be submitted with the application. The drawing shall indicate the curb and property lines, all existing and proposed obstructions (fire hydrants, tree wells, lamp posts, and public egress). Businesses located at a corner property shall include both street frontages in their scaled drawing. Plus, applicant shall provide a photograph of proposed items for display.
4. An application for permission to use the sidewalk must be submitted and approved. The Old Town Development Board Director shall administratively approve when application meets all guideline requirements. If the application is requesting waivers or exceptions to the guidelines then that request shall be reviewed by the OTDB Design Committee for approval. If the Design Committee can not reach agreement, then the application will proceed to be reviewed by the full Old Town Development Board at their next regular meeting. The permit holder shall comply with the site plan illustrating the location of merchandise display as approved.
5. Businesses shall have evidence of one million dollars of liability insurance naming the City as additional insured.
6. The business owner shall hold harmless and defend the Old Town Development Board and the City of Winchester from any claims or actions brought by any person or reason arising out of the construction, display and/or maintenance of the display.



# STANDARDS & REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE

**2005**

**Old Town Winchester Primary & Secondary District**

7. If at any time the display is not maintained as originally approved, the display permit may be reviewed by the Old Town Development Board for consideration of removal.
8. Signs outside the limits of the storefront will not be allowed, exceptions are approved portable signs.
9. All displays shall be removed when the business is closed to customers.
10. No merchandise or display of goods shall be set up on the ground, on any cloth, plastic or similar ground covering. All displays shall be set up so that the displays are easily detectable by the visually impaired.
11. During public events, such as festivals, displays shall not be placed on the sidewalk without express permission from the OTDB or event organizers.

## Enforcement

1. If the OTDB determines that any outdoor display of merchandise is in a state of disrepair, unclean or not in compliance with the operating plan, layout and approved items per the permit, or it has determined that the holder of the permit or the owner of the real estate for which the permit is issued is in violation of any other municipal ordinance or regulation or state statute or regulation, the OTDB shall give written notice to the permit holder of the unsatisfactory condition of the facility and/or the violation of the terms of the permit, or the ordinance, statute or regulation of which the holder of the permit or property owner is in violation.
2. The permit holder shall thereafter have five (5) days to correct the unsatisfactory condition or permit violation, or ordinance, statute or regulation violation. If the unsatisfactory condition or violation is not corrected within the five (5) day period, the OTDB may thereafter suspend the permit and any decorative display of merchandise and goods must cease operation.
3. If a business does not comply with the design guidelines and regulations then they may be subject to removal by a city designee.
4. When OTDB's efforts to gain voluntary compliance fail and all deadlines have expired, a written notice will be given to the business owner that their permit has been terminated. Notice will then be forwarded to the City's Zoning Office for investigation and action. The violator will then be subject to criminal penalties, abatement, and/or judicial remedies.